



# WEST VIRGINIA REGISTER

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## CONTENTS

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Administrative Law Division  
Judy Cooper, Manager

Natalie E. Tennant  
Secretary of State  
Administrative Law Division  
Bldg. 1, Suite 157K  
1900 Kanawha Blvd. E.  
Charleston, WV 25305-0770

(304) 558-6000  
www.wvsos.com

- I. Chronological Index
- II. Open Government Meetings Listing
- III. Price List
- IV. Rule Monitor
- V. Notices
  - a. Legislative Rules
  - b. Interpretive Rules
  - c. Procedural Rules
  - d. Emergency Rules
  - e. Legislative Rule-Making Review Committee
- VI. Legislative Interims
- VII. Orders
- VIII. Ethics Commission Opinions
- IX. Office of Tax Appeal Decisions
- X. Other Documents or Information Filed
- XI. Publication Deadlines and Publication Dates

## INDEX

### AGENCY

### PAGE(S)

Agriculture	126
Blue Ridge CTC	126
BrickStreet	154
Bureau of Senior Services	126
Chiropractic Board	126
Commerce	126
Community and Technical college Education	151
Concord University	126
DOT	127
Early childhood Advisory Council	127
Education	127-128
Education and the Arts	128
Environmental Protection	159
Ethics	128, 156-158
Forestry	128
Funeral Service Examiners	128
Glenville State College	129
Governor	129
Hatfield McCoy Regional Recreation Authority	129
Health and Human Resources	151
Health Care Authority	129, 154-155, 159-163
Infrastructure & Jobs Development Council	129
Insurance	155
Investment Management Board	129
King Coal Highway I-73/74	129
Labor	152
Library Commission	130
McDowell Co Solid Waste Authority	130
Medicine	155
New River Community & Technical College	130
North Central Regional EMS, Inc.	130
Osteopathy	130
Parkways Authority	131
Prosecuting Attorneys Institute	131
Public Defender Corp 30 <sup>th</sup> Judicial Circuit	131
Public Defender Corp 11 <sup>th</sup> Judicial Circuit	131
Public Defender Corp 6 <sup>th</sup> & 24 <sup>th</sup> Circuits	131
Public Employees Grievance Board	131
Racing	125, 134, 153
Real Estate Appraiser Licensing and Certification Board	153
WRMS-EMS Board of Directors	131
WV Board of Treasury Investments	132
WVU Parkersburg	132
West Virginia State University	132
West Virginia University Hospitals, Inc.	132

CHRONOLOGICAL INDEX, VOLUME XXIX ISSUE 4			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>
Racing (178-6)	Due Process and Hearings Procedural	§19-23-6(3)	February 21, 2012 5:00 PM Written Comments Only: West Virginia Racing Commission 106 Dee Drive, Suite 2 Charleston, WV 25311

NO NEW EMERGENCY RULES WERE FILED THIS WEEK				
<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>DATE NOTICE FOR HEARING</u>

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Agriculture, WV Department of <i>WV Farmland Agricultural Land Protection Authority</i>	11/3/2011 3:17:51 PM	Regular Meeting	2/2/2012 10:00:00 AM State Auditor's Office Clarksburg, WV
Blue Ridge CTC	1/6/2012 3:38:19 PM	Regularly scheduled business meeting.	2/1/2012 11:30:00 AM Blue Ridge CTC Tech Center 5550 Winchester Ave. Martinsburg, WV 25405
Bureau of Senior Services <i>Aged and Disabled Waiver Quality Improvement Advisory Council</i>	*1/19/2012 10:58:45 AM	To provide input regarding quality improvement in the Aged and Disabled Waiver Program	1/24/2012 10:00:00 AM Bureau of Senior Services Conference Room Charleston Town Center Mall, Third Floor Charleston, WV (contact cecilia.a.brown@wv.gov or 304-558-3317 for further directions)
Chiropractic Board	1/3/2012 10:23:12 AM	Board Meeting/Exam	2/2/2012 8:00:00 AM 1618 Kanawha Blvd., East Charleston, WV
Commerce <i>Tourism</i>	!1/20/2012 5:40:59 PM	Emergency meeting. Best Practices Committee discussion of eligible media, production and creative in Matching Advertising Partnership Program.	1/31/2012 9:30:00 AM WV Division of Tourism 90 MacCorkle Ave., SW South Charleston, WV 25303
Concord University <i>Student Affairs Committee of the Board of Governors</i>	1/17/2012 1:06:13 PM	Prepare for the February 14, 2012 full Board meeting	2/7/2012 8:30:00 AM Teleconference The Concord Room 201A Marsh Hall Concord University Athens, WV 24712
Concord University <i>Academic Affairs Committee of the Board of Governors</i>	1/17/2012 1:09:39 PM	Prepare for the February 14, 2012 full Board meeting	2/7/2012 10:00:00 AM Teleconference The Concord Room 201A Marsh Hall Concord University Athens, WV 24712
Concord University <i>External Affairs Committee of the Board of Governors</i>	1/17/2012 1:11:22 PM	Prepare for the February 14, 2012 full Board meeting	2/7/2012 11:30:00 AM Teleconference The Concord Room 201A Marsh Hall Concord University Athens, WV 24712

\*This meeting was filed late and does not comply with the Open Governmental Proceedings Act

! This meeting was filed as an emergency and does comply with the Open Governmental Proceedings Act

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Concord University <i>Finance and Facilities Committee of the Board of Governors</i>	1/17/2012 1:12:52 PM	Prepare for the February 14, 2012 full Board meeting	2/7/2012 1:00:00 PM Teleconference The Concord Room 201A Marsh Hall Concord University Athens, WV 24712
Concord University <i>Executive Committee of the Board of Governors</i>	1/17/2012 1:14:11 PM	Prepare for the February 14, 2012 full Board meeting	2/7/2012 2:30:00 PM Teleconference The Concord Room 201A Marsh Hall Concord University Athens, WV 24712
DOT <i>Public Port Authority</i>	1/13/2012 1:12:05 PM	To discuss ongoing port activities.	2/8/2012 1:00:00 PM Capitol Complex Building Five Room 122
Early Childhood Advisory Council of WV <i>Access and Quality Committee</i>	1/25/2012 9:52:18 AM	Regular Business	2/1/2012 9:00:00 AM Marshall University Graduate College 100 Angus E. Peyton Drive South Charleston, WV 25303
Early Childhood Advisory Council of WV <i>Executive Committee</i>	1/25/2012 9:53:44 AM	Regular Business	2/1/2012 12:00:00 PM Marshall University Graduate College 100 Angus E. Peyton Drive South Charleston, WV 25303
Early Childhood Advisory Council of WV <i>Early Learning Standards and Professional Development Committee</i>	1/25/2012 9:54:37 AM	Regular Business	2/8/2012 9:00:00 AM Marshall University Graduate College 100 Angus E. Peyton Drive South Charleston, WV 25303
Education <i>WVBE Strategic Planning Committee</i>	1/18/2012 11:06:31 AM	The West Virginia Board of Education's Strategic Planning Committee will meet to conduct routine business. The agenda will be posted at <a href="http://wvde.state.wv.us">http://wvde.state.wv.us</a> at least three business days prior to the meeting.	2/1/2012 2:00:00 PM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education <i>WVBE Communications Committee</i>	1/18/2012 11:07:51 AM	The West Virginia Board of Education's Communications Committee will meet to conduct routine business. The agenda will be posted at <a href="http://wvde.state.wv.us">http://wvde.state.wv.us</a> at least three business days prior to the meeting.	2/6/2012 11:00:00 AM Capitol Building 6, Room 351 1900 Kanawha Boulevard, East Charleston, West Virginia

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Education <i>WVBE RESA Committee</i>	1/18/2012 11:16:00 AM	The West Virginia Board of Education's RESA Committee will meet to conduct routine business. The agenda will be posted at <a href="http://wvde.state.wv.us">http://wvde.state.wv.us</a> three business days prior to the meeting.	2/7/2012 10:00:00 AM Regional Education Service Agency (RESA) 3 501 22nd Street (Public Service Training Building) Dunbar, West Virginia
Education	1/18/2012 11:18:13 AM	The West Virginia Board of Education will meet to conduct routine business. The agenda for this meeting will be posted at <a href="http://wvde.state.wv.us">http://wvde.state.wv.us</a> at least three business days prior to the meeting. NOTICE: If the agenda for this meeting is not completed on February 8, 2012, the agenda will resume on February 9, 2012.	2/8/2012 12:30:00 PM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Education and the Arts <i>WV Professional Staff Development Advisory Council</i>	1/11/2012 11:08:46 AM	Reports; old business; new business; discussion items.	2/1/2012 10:00:00 AM WVCPD Professional Development Annex 209 Hale Street Charleston, WV 25301
Ethics Commission	1/17/2012 10:00:17 AM	Consider advisory opinion requests, contract exemptions, employment exemption requests, investigative matters and miscellaneous items. Agenda will be available January 27, 2012 at the Commission's office and online at <a href="http://www.ethics.wv.gov">www.ethics.wv.gov</a>	2/2/2012 10:00:00 AM 210 Brooks Street., Suite 300 Lee Bldg. Charleston, WV 25301
Ethics Commission <i>Standards of conduct for Administrative Law Judges</i>	1/17/2012 10:04:21 AM	Meeting will begin at 11:00 a.m. or at the conclusion of the regular Ethics Commission Meeting. This is a regular meeting to consider Advisory Opinion Requests and other matters. Agenda available January 27, 2012 at the Commission's office and online at <a href="http://www.ethics.wv.gov">www.ethics.wv.gov</a>	2/2/2012 11:00:00 AM 210 Brooks Street., Suite 300 Lee Bldg. Charleston, WV 25301
Ethics Commission, WV <i>Committee on Open Meetings</i>	1/17/2012 9:56:44 AM	To act upon requests for Advisory Opinions interpreting the WV Open Government Meetings Act. Agenda will be available on January 27, 2012 at the Commission's office and on line at <a href="http://www.ethics.wv.gov">www.ethics.wv.gov</a>	2/2/2012 9:30:00 AM 210 Brooks St., Suite 300 Lee Bldg. Charleston WV 25301
Forestry, WV Division of <i>Outdoor Heritage Conservation Fund</i>	1/25/2012 11:31:41 AM	Meeting of the OHCF Board via teleconference to discuss a potential project brought by the Division of Natural Resources.	2/6/2012 3:00:00 PM Teleconference Using a physical address for public access WV Division of Forestry 7 Players Ct. Charleston, WV
Funeral Service Examiners, Board of <i>Regular Board Meeting</i>	1/23/2012 9:19:59 AM	Regular Board Meeting to act on recommendations of the Complaint Committee, approve financial reports, approve minutes from previous meeting and discuss other matters which are on the agenda for consideration. An Agenda will be available 3 days prior to the meeting.	2/6/2012 1:00:00 PM 179 Summers Street, Suite 305 Charleston, WV 25301

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Glenville State College <i>Board of Governors</i>	11/8/2011 11:08:11 AM	To discuss regular business of the Board.	2/8/2012 12:30:00 PM Mollohan Campus Community Center Third Floor, Room 319
Governor, Office of the <i>Judicial Vacancy Advisory Commission</i>	1/25/2012 1:23:59 PM	Organizational meeting by teleconference to establish deadlines to adopt procedures and requirements for the vacancy in the First Judicial Court Circuit; to discuss any new and/or upcoming judicial vacancies; to discuss and adopt revisions to the Commission's Practices and Procedures and application forms for Family Courts and the West Virginia Supreme Court, and approval of minutes. An agenda will be available three business days prior to the meeting in Room M-146, Office of General Counsel and Legislative and Policy Directors, State Capitol, Building 1, Charleston, West Virginia	2/1/2012 10:00:00 AM Constituent Services Conference Room, Room W-154 Office of the Governor State Capitol, Building 1 Charleston, West Virginia
Hatfield McCoy Regional Recreation Authority  <i>N/A</i>	1/10/2012 1:13:15 PM	1st Quarter Board Meeting	2/2/2012 10:30:00 AM Hatfield McCoy Regional Recreation Authority Administrative Office 179 Rita Mall Rd. Lyburn WV 25632
Health Care Authority, WV <i>Monthly Board Meeting</i>	1/18/2012 2:25:51 PM	1) Grants; 2) WVHIN Emergency Rule; 3) Routine Business	2/1/2012 11:00:00 AM HCA's Large Conference Room
Infrastructure & Jobs Development Council  <i>COUNCIL MEETING</i>	1/12/2012 11:49:51 AM	Conduct General Council Business	2/1/2012 9:30:00 AM Northgate Business Park Water Development Authority 180 Association Drive Charleston, WV 25311
Investment Management Board, West Virginia  <i>Legal Committee</i>	1/20/2012 2:28:36 PM	Emergency Meeting. AGENDA: Call to order; Approval of minutes; Hear litigation report; International Litigation Counsel Discussion; Alternative Asset Counsel Discussion; Foreign Exchange Trading Update; Unfinished business; New business; Adjournment.	1/24/2012 3:00:00 PM West Virginia Investment Management Board 500 Virginia Street, East - Suite 200 Charleston, WV 25301
King Coal Highway I-73/74 Authority	1/24/2012 11:37:03 AM	Regular Meeting	2/8/2012 3:30:00 PM Charleston Marriott Town Center Cumberland Room

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Library Commission <i>Commission</i>	11/4/2011 10:21:53 AM	Regular Meeting of the Commission	2/1/2012 10:00:00 AM Library Commission Headquarters 1900 Kanawha Blvd. E. Culture Center Charleston, WV 25305
McDowell Co Solid Waste Authority	1/24/2012 9:31:01 AM	New and old business	2/2/2012 5:00:00 PM SWA Office Mercer Street Welch, WV
New River Community and Technical College <i>Board of Governors</i>	1/4/2012 1:52:45 PM	Regularly scheduled Board of Governors meeting. Agenda available prior to the meeting at <a href="http://www.newriver.edu">www.newriver.edu</a> .	2/3/2012 6:00:00 PM Country Inn and Suites Mountaineer Conference Center Appalachian Room 2120 Harper Road, Beckley, WV 25801
New River Community and Technical College <i>Board of Governors</i>	1/4/2012 1:55:37 PM	The Board of Governors will hold their annual retreat. Agenda available prior to the retreat at <a href="http://www.newriver.edu">www.newriver.edu</a>	2/4/2012 8:00:00 AM Country Inn and Suites Mountaineer Conference Center Appalachian Room 2120 Harper Road, Beckley, WV 25801
North Central Regional EMS, Inc. <i>Board of Directors</i>	11/3/2011 8:54:40 AM	Regular meeting of the Board of Directors	2/7/2012 12:00:00 PM Valley VFD 1707 Pleasant Valley Road Fairmont, WV 26554
Osteopathy, WV Board of	1/10/2012 2:31:24 PM	Discuss Board Business, review complaints discussed at the Complaint Committee review session, and any other general Board business requiring immediate attention. The agenda will be posted at the Board office three days prior to the meeting.	2/3/2012 1:00:00 PM Embassy Suites Hotel Charleston, WV

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Parkways Authority	1/25/2012 2:13:09 PM	To consider and act upon all matters that may properly come before the monthly meeting of the Parkways Authority Board. These matters may include discussion of and possible Board action on the following: Approval of the minutes of the Board Meeting held on January 12, 2012; Paint Creek Scenic Trail Association request to install outdoor kiosks and upgrades to park and rides; Scope and cost proposal from Land Planning and Design Associates to assist with the evaluation and selection of a developer(s) for the excess property adjacent to Tamarack; Request funds for engineer to design a mill and inlay project (2-A-12), paving project (1-A-13), and a bridge deck overlay project; Lehman Brothers Holding, Inc. settlement status; Potential settlement of contract claims against W.Q. Watters in the matter of bridge painting contract BP-1-08; Installation of new security camera system at Tamarack; Purchase of asphalt crack sealer machine; Purchase of five (5) sedans and two (2) SUVs for the State Police Troop 7; Other items which may become apparent or need attention and may be added to the business agenda of the meeting; attention is called to the fact that the agenda of the meeting will be available three days in advance by calling 304-926-1900 or at the website www.wvturnpike.com; items of business may be added to the agenda up to 48 hours prior to the date of the meeting.	2/2/2012 10:30:00 AM Administration Building 3310 Piedmont Road Charleston, WV 25306
Prosecuting Attorneys Institute, WV  <i>Executive Council</i>	*1/25/2012 9:34:37 AM	Winter Meeting	1/25/2012 5:15:00 PM Embassy Suites Charleston WV
Public Defender Corp 30th Judicial Circuit	1/20/2012 2:54:33 PM	Special Board Meeting	2/2/2012 12:15:00 PM 52 West 2nd Avenue Williamson, WV 25661
Public Defender Corp.  <i>11th Judicial Circuit</i>	*1/23/2012 11:25:23 AM	Quarterly Board Meeting	1/30/2012 1:30:00 PM Pocahontas County Courthouse (upstairs jury room)
Public Defender Corp-6th and 24th Circuits  <i>Board of Directors</i>	1/18/2012 4:12:59 PM	Review Budget and Contract status for FY 2012. Review facilities at Wayne and prospective plans for facilities.	2/1/2012 4:30:00 PM Wayne Co.Public Defender Office 700 Cleveland Street Wayne, WV 25570-0816
Public Employees Grievance Board	11/17/2011 1:13:13 PM	To conduct routine business. The Agenda will be posted on the Board's web site, www.pegb.wv.gov, at least three days prior to the meeting.	2/1/2012 3:00:00 PM 1596 Kanawha Boulevard, E. Charleston, WV 25311
Womens Commission	1/4/2012 10:21:03 AM	Quarterly Meeting	2/5/2012 3:00:00 PM State Capitol Complex Building 6 8th Floor conference room
WRMS-EMS Board of Directors  <i>WRMS-EMS Board of Directors</i>	*1/18/2012 10:31:01 AM	Quarterly Board Meeting	1/23/2012 6:30:00 PM WV EMS TSN Beckley Field Office

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
WV Board of Treasury Investments <i>Audit Committee</i>	1/20/2012 9:35:04 AM	Quarterly meeting. Call WVBTI offices for an agenda (304-340-1564). All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	2/8/2012 10:00:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 2531-1217
WV Board of Treasury Investments <i>Investment Committee</i>	1/20/2012 9:51:14 AM	*Call WVBTI offices for an agenda(304-340-1564). All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	2/8/2012 10:30:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
WV Board of Treasury Investments <i>Personnel Committee</i>	1/20/2012 9:53:20 AM	*Call WVBTI offices for an agenda (304-340-1564). All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	2/8/2012 11:30:00 AM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
WV Board of Treasury Investments <i>Quarterly Meeting</i>	1/20/2012 9:57:25 AM	*Call WVBTI offices for an agenda (304-340-1564). All meetings will be held at their scheduled time or immediately upon conclusion of prior meeting.	2/8/2012 12:15:00 PM WV Water Development Authority 180 Association Drive Charleston, WV 25311-1217
WVU Parkersburg <i>Joint Meeting of Board of Governors Administrative Services Committee and Academic/Student Services Committee</i>	1/18/2012 3:24:28 PM	Updates will be provided to the Board in the areas of Administrative Services, Academic Affairs, and Student Services.	2/8/2012 4:00:00 PM 300 Campus Drive Parkersburg, WV
WVU Parkersburg <i>Board of Governors</i>	1/18/2012 3:39:47 PM	Regular meeting of the Board of Governors. The agenda will include building acquisition; reserve funds for capital projects; tuition and fees; IT services with Dynamic Campus; five year program review for AAS in Business; Phased Retirement; Sabbatical Leave; Affordable Tuition for the Chemical and Polymer Operator Technology Certificate Program with Dupont Learn and Earn Initiative; National Guard Partnership; and Salary Policy. A complete agenda will be available online prior to the meeting at <a href="http://www.wvup.edu/board_of_governors">www.wvup.edu/board_of_governors</a>	2/8/2012 5:45:00 PM 300 Campus Drive Parkersburg, WV
West Virginia State University <i>Presidential Advisory Committee</i>	1/25/2012 3:14:53 PM	To discuss qualifications for Presidential Candidates	2/1/2012 3:00:00 PM A113 Ferrell Hall (Conference Room) Institute, WV
West Virginia University Hospitals, Inc. <i>Investment Management Subcommittee</i>	1/17/2012 2:19:58 PM	To discuss investment matters pertaining to West Virginia University Hospitals.	2/7/2012 4:00:00 PM J.W. Ruby Boardroom Ruby Memorial Hospital Morgantown, WV

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
West Virginia University Hospitals, Inc. <i>Board of Directors</i>	12/19/2011 2:21:20 PM	For discussion of business matters pertaining to West Virginia University Hospitals.	2/3/2012 12:30:00 PM J.W. Ruby Boardroom 2nd floor of Ruby Memorial Hospital Morgantown, WV
West Virginia University Hospitals, Inc. <i>Finance Committee</i>	12/19/2011 2:22:10 PM	For discussion of financial matters pertaining to West Virginia University Hospitals.	2/3/2012 9:00:00 AM J.W. Ruby Boardroom 2nd floor of Ruby Memorial Hospital Morgantown, WV
West Virginia University Hospitals, Inc. <i>Quality and Patient Safety Committee</i>	12/19/2011 2:23:41 PM	For discussion of quality matters pertaining to West Virginia University Hospitals.	2/3/2012 9:00:00 AM Administrative Conference Room 2nd floor of Ruby Memorial Hospital Morgantown, WV
West Virginia University Hospitals, Inc. <i>Quality and Patient Safety Committee</i>	12/19/2011 2:24:36 PM	For discussion of quality matters pertaining to West Virginia University Hospitals.	2/3/2012 9:00:00 AM Administrative Conference Room 2nd floor of Ruby Memorial Hospital Morgantown, WV
West Virginia University Hospitals, Inc. <i>Compliance and Audit Committee</i>	12/19/2011 2:25:23 PM	For discussion of compliance matters pertaining to West Virginia University Hospitals.	2/3/2012 11:00:00 AM HIM Conference Room 1st floor of Ruby Memorial Hospital Morgantown, WV

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<u>PRICE LIST</u>		
<u>AGENCY</u>	<u>RULE/ORDER</u>	<u>AMOUNT</u>
Racing Commission (178-6)	Due Process and Hearings	\$5.80

**CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES**

<b><u>TITLE NUMBER</u></b>	<b><u>NAME OF AGENCY</u></b>
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 13	OCCUPATIONAL THERAPY
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERSCOMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 172	STATE RAIL AUTHORITY
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION -- BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE 205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE 207	COALFIELD COMMUNITY DEVELOPMENT
TITLE 210	GOHELP



## Natalie E. Tennant

Secretary of State  
State of West Virginia

Office of the Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305

Telephone: (304) 558-6000  
Toll Free: 1-866-SOS-VOTE  
Fax: (304) 558-0900  
www.wvsos.com

### GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

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- Titles followed by an asterisk (\*\*) indicate that the rule is in effect as an emergency
  - Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
  - If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
  - If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
  - Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-1)	Board Rules and Rules of Professional Conduct \$8.00 Legislative	6/22/2011	7/22/2011	6/22/2011 Effective 8/3/2011 Amendment 7/28/2011 Effective 9/8/2011	7/28/20011	Approved 9/14/2011	SB 226 HB 4134		
Administration (148-22)	Certification for Small, Women and Minority-Owned Business \$4.40 Legislative	5/31/2011	7/1/2011		7/15/2011	Modified & Approved 9/14/2011 Filed 9/19/2011	SB 227 HB 4180		
Agriculture (61-2A)	Labeling of Imported Honey, Honey Products or Honey Bee By-Products, Adulterated Honey, Honey Products or Honey Bee By-Products Rule \$3.00 Legislative	6/27/2011	7/27/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/19/2011	SB 229 HB 4181		
Agriculture (61-6D)	Nutrient Management Certification \$3.00 Legislative	6/10/2011	7/13/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/19/2011	SB 230 HB 4182		
Agriculture (61-16)	Inspection of Meat and Poultry \$4.60 Legislative	6/2/2011	7/15/2011		7/27/2011	Approved 10/12/2011	SB 228 HB 4135		
Air Quality (45-8)	Ambient Air Quality Standards \$17.70 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 256 HB 4153		
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality \$15.20 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 247 HB 4144		
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$22.90 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 248 HB 4145		
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$23.10 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 249 HB 4146		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas \$14.20 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 250 HB 4147		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$12.40 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 251 HB 4148		
Air Quality (45-30)	Requirements for Operating Permits \$12.80 Legislative	1/11/2011 6/8/2011	2/14/2011 7/11/2011	12/21/2010 Effective 2/1/2011	3/16/2011	Approved 1/8/2012	SB 252 HB 4149		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$41.60 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 253 HB 4150		
Air Quality (45-35)	Determining Conformity of General Federal Actions to Applicable Implementation Plans \$11.80 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 254 HB 4151		
Air Quality (45-42)	Repeal of – Greenhouse Gas Emissions Inventory Program \$8.60 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 255 HB 4152		
Alcohol Beverage Control Comm. (175-1)	Licensed Retailer Operations \$6.40 Legislative	6/2/2011	7/5/2011		7/13/2011	Modified & Approved 11/14/2011 Filed 11/21/2011	SB 231 HB 4183		
Alcohol Beverage Control Comm. (175-5)	Licensing of Retail Outlets \$10.20 Legislative	6/2/2011	7/5/2011		7/13/2011	Approved 11/14/2011	SB 232 HB 4136		
Athletic Commission (177-2)	Administrative Rules of the WV State Athletic Comm. Regulating Mixed Martial Arts \$7.40 Legislative	6/17/2011	7/18/2011	9/21/2011 Approved 11/1/2011	7/28/2011	Modified & Approved 12/14/2011 Filed 1/6/2012	SB 233 HB 4184		
Auditor's Office (155-1)	Standards for Requisitions for Payment Issued by State Officers on the Auditor \$4.8 0 Legislative	6/27/2011	7/27/2011		7/29/2011				



RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor's Office (155-4)	Transaction Fee and Rate Structure \$4.20 Legislative	6/23/2011	7/23/2011		7/29/2011	Approved 9/14/2011	SB 234 HB 4137		
Banking (106-5)	Rule Pertaining to Residential Mortgage Lenders, Brokers and Loan Originators \$6.80 Legislative	5/27/2011	7/1/2011		7/21/2011	Approved 9/14/2011	SB 235 HB 4138		
Barbers & Cosmetologists (3-1)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians \$12.50 Legislative	6/13/2011	7/18/2011		7/29/2011	Approved 9/14/2011	SB 236 HB 4139		
Barbers & Cosmetologists (3-3)	Rules and Regulations for Licensing Schools of Barbering and Beauty Culture \$3.20 Legislative	6/13/2011	7/18/211		7/29/2011	Modified & Approved 9/14/2011 Filed 9/20/2011	SB 237 HN 4185		
Barbers & Cosmetologists (3-8)	Shampoo Assistants \$5.00 Legislative	6/13/2011	7/18/2011		7/29/2011	Approved 9/14/2011	SB 238 HB 4140		
Coal Mine Health and Safety (36-47)	Hoisting Machinery; Telephones; Safety Devices; Hoisting Engineers and Drum Runners Legislative Exempt	10/5/2011	11/6/2011						
THE ABOVE RULE HAS BEEN MIS-NUMBERED									
Community & Technical College Ed. (135-7)	Technical Program Development and WV Advance Rapid Response Workforce Development \$4.00 Procedural	12/13/2011	1/13/2012					1/23/2012	2/23/2012
Community & Technical College Ed. (135-27)	Workforce Development Initiative Program \$4.80 Legislative	4/22/2011	5/23/2011	4/22/2011 Effective 4/22/2011	6/15/2011	Approved 10/11/2011	SB 170		
Community & Technical College Ed. (135-32)	Tuition and Fees \$5.40 Legislative	8/24/2011	9/26/2011		10/26/2011	Approved 11/15/2011	SB 170		
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System \$4.00 Legislative	6/3/2011	7/5/2011	5/12/2011 Effective 6/23/2011	7/27/2011	Modified & Approved 9/14/2011 Filed 9/23/2011	SB 239 HB 4186		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors \$5.00 Legislative	6/3/2011	7/5/2011		7/27/2011	Approved 9/14/2011	SB 240 HB 4141		
Consolidated Public Retirement Board (162-9)	West Virginia State Police \$5.60 Legislative	6/3/2011	7/5/2011	5/12/2011 Effective 6/23/2011	7/27/2011	Approved 9/14/2011	SB 241 HB 4142		
Corrections (90-8)	Fees for Electronic Monitoring of Offenders \$3.60 Legislative	4/11/2011	5/16/2011		5/23/2011	Modified & Approved 7/13/2011 Filed 7/20/2011	SB 242 HB 4187		
Courthouse Facilities Improvement Auth. (203-1)	Courthouse Facilities Improvement Authority \$3.00 Legislative	7/26/2011	8/31/2011		9/1/2011	Modified & Approved 1/8/2012 Filed 1/11/2012	SB 243 HB 4188		
Crime, Delinquency and Correction (149-2)	Law Enforcement Training Standards \$8.60 Legislative	6/2/2011	7/6/2011	6/2/2011 Approved 7/6/2011	7/28/2011	Modified & Approved 12/14/2011 Filed 1/3/2012	SB 268 HB 4196		
Crime, Delinquency and Correction (149-6)	Motor Vehicle Search Standards \$2.80 Legislative	6/3/2011	7/6/2011		7/28/2011	Modified & Approved 12/14/2011 Filed 1/3/2012	SB 269 HB 4197		
Deaf and Hard of Hearing (192-1)	Fees for Qualified Interpreters \$5.80 Legislative	6/30/2011	7/29/2011		7/29/2011	Approved 11/14/2011	SB 244 HB 4143		
Deaf and Hard of Hearing (192-3)	Establishment of Required Qualifications and Ethical Standards for Interpreters and Translitterators \$3.80 Legislative	6/30/2011	7/29/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 12/1/2011	SB 245 HB 4189		
Dental Examiners (5-3)	Fees Established by the Board \$3.00 Legislative	6/24/2011	7/26/2011		7/29/2011	Modified & Approved 10/11/2011 Filed 10/21/2011	SB 246 HB 4190		
Development Office (145-7)	Neighborhood Investment Program Act \$5.80 Procedural	8/3/2011	9/3/2011					1/6/2012	2/6/2012

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office (145-11)	Brownfield Economic Development Districts \$6.40 Legislative	6/1/2011	7/1/2011		7/5/2011	Modified & Approved 12/14/2011 Filed 12/23/2011	SB 260 HB 4191		
Development Office (145-13)	Use of Coalbed Methane Severance Tax Proceeds \$3.20 Legislative	6/13/2011	7/13/2011	6/13/2011 Approved 7/6/2011 Amendment 12/16/2011	7/14/2011	Modified & Approved 12/14/2011 Filed 12/16/2011	SB 261 HB 4192		
Education (126-11A)	Local School Improvement Councils: Engaging Parents, Families, Students, Business and Community in Education (2200) \$6.00 Legislative Exempt	9/9/2011	10/11/2011					12/16/2011	1/17/2012
Education (126-16)	Regulations for the Education of Students with Exceptionalities (2419) \$22.20 Legislative Exempt	12/19/2011	1/10/2012 1/24/2012 2/7/2012 2/13/2012						
Education (126-36)	Instructional Resources Adoption: Notice, Request and Instructions to Publishers (2445.41) \$9.80 Legislative Exempt	11/9/2011	12/9/2011						
Education (126-41)	Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet (2460) \$9.60 Legislative Exempt	1/12/2012	2/13/2012						
Education (126-44D)	Next Generation Content Standards and Objectives for Social Studies in WV Schools (2520.4) \$20.20 Legislative Exempt	1/12/2012	2/13/2012						
Education (126-44E)	Next Generation Health Education 5-12 Content Standards and Objectives for WV Schools(2520.5) \$17.50 Legislative Exempt	10/7/2011	11/7/2011					12/16/2011	7/1/2012
Education (126-99)	Expected Behavior in Safe and Supportive Schools (4373) \$15.00 Legislative Exempt	9/9/2011	11/8/2011					12/16/2011	7/1/2012

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) \$18.50 Legislative Exempt	11/9/2011	12/9/2011						
Education (126-136)	Minimum Requirements for the Licensure of Professional / Paraprofessional Personnel and Advanced Salary Classifications (5202) \$24.40 Legislative Exempt	7/15/2011	8/15/2011					9/9/2011	10/11/2011
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) \$23.20 Legislative Exempt	11/9/2011	12/9/2011						
Environmental Protection Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule \$18.60 Legislative	6/10/2011	7/12/2011		7/29/2011	Approved 1/8/2012	SB 257 HB 4154		
Foresters (200-1)	Certification of Registered Foresters \$3.40 Legislative	6/30/2011	7/29/2011		8/3/2011	Modified & Approved 11/14/2011 Filed 12/5/2011	SB 262 HB 4193		
Foresters (200-4)	Schedule of Fees \$2.40 Legislative	6/30/2011	7/29/2011		8/3/2011	Modified & Approved 11/14/2011 Filed 12/5/2011	SB 263 HB 4194		
Foresters (200-5)	Code of Ethics \$2.80 Legislative	6/30/2011	7/29/2011		8/3/2011	Modified & Approved 11/14/2011 Filed 12/5/2011	SB 264 HB 4195		
Forestry (22-2)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing \$4.40 Legislative	5/27/2011	6/28/2011		7/20/2011	Approved 9/14/2011	SB 265 HB 4157		
Forestry (22-3)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification \$4.20 Legislative	5/27/2011	6/28/2011		7/20/2011	Approved 9/14/2011	SB 266 HB 4158		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Funeral Service Examiners (6-2)	Crematory Requirements \$10.40 Legislative	6/15/2011	7/20/2011		7/21/2011	Approved 10/11/2011	SB 267 HB 4159		
Health (64-3)	Public Water Systems \$4.00 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 273 HB 4200		
Health (64-4)	Public Water Systems Operators Regulations \$4.80 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 12/14/2011 Filed 12/30/2011	SB 275 HB 4202		
Health (64-5)	Wastewater Systems and Operators \$5.40 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 12/14/2011 Filed 12/30/2011	SB 277 HB 4204		
Health (64-32)	Vital Statistics \$6.20 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 274 HB 4201		
Health (64-40)	Manufactured Home Communities \$5.40 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 276 HB 4203		
Health (64-64)	Aids-Related Medical Testing and Confidentiality \$5.00 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 278 HB 4205		
Health (64-77)	Public Water Systems Design Standards \$16.50 Legislative	6/17/2011	7/18/2011		7/29/2011	Approved 12/14/2011	SB 279 HB 4161		
Health (64-89B)	Credentialing Verification Organization \$3.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 11/16/2011 Filed 12/9/2011	SB 271 HB 4199		
Health (64-98)	Safety and Treatment Program \$3.40 Legislative	6/30/2011	7/29/2011	6/30/2011 Effective 8/11/2011	7/29/2011	Modified & Approved 11/16/2011 Filed 12/14/2011	SB 270 HB 4198		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-28)	WV Health Information Network Rule \$6.40 Legislative	12/12/2011	1/11/2012						
Health Insurance Plan (113-1)	Premium Subsidy \$4.00 Legislative	6/8/2011	7/8/2011	6/9/2011 Approved 6/30/2011	7/28/2011	Approved 10/11/2011	SB 272 HB 4160		
Higher Education Policy Comm. (133-32)	Tuition and Fee Policy \$5.80 Legislative	8/9/2011 9/13/2011	9/8/2011 10/13/2011		12/12/2011	Approved 12/13/2011	SB 170		
Highways (157-3)	Construction and Reconstruction of State Roads \$16.80 Legislative	5/27/2011	6/27/2011		7/21/2011	Modified & Approved 1/8/2012 Filed 1/10/2012	SB 280 HB 4206		
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways \$4.80 Legislative	5/27/2011	6/27/2011		7/8/2011	Approved 1/8/2012	SB 281 HB 4162		
Human Rights Comm. (77-9)	Housing Discrimination Against Persons with Disabilities Who Utilize Assistance Animals \$4.20 Legislative	6/29/2011	7/29/2011		7/29/2011	Approved 1/8/2012	SB 282 HB 4163		
Human Services (78-18)	Family Child Care Facility Licensing Requirements \$10.00 Legislative	6/24/2011	7/27/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/23/2011	SB 283 HB 4207		
Human Services (78-19)	Family Child Care Home Registration Requirements \$9.60 Legislative	6/24/2011	7/25/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/23/2011	SB 284 HB 4208		
Human Services (78-22)	Child Care Quality Rating and Improvement System \$9.80 Legislative	6/24/2011	7/27/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/23/2011	SB 285 HB 4209		
Insurance Commission (114-2)	Licensing and Conduct of Insurance Producers and Agencies \$5.80 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011	SB 286 HB 4164		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-20)	Surplus Lines Insurance \$11.20 Legislative	6/8/2011	7/8/2011	6/9/2011 Approved 6/30/2011 Amendment 8/3/2011 Effective 9/14/2011	7/28/2011	Approved 10/11/2011	SB 287 HB 4165		
Insurance Commission (114-35)	Insurance Holding Company Systems \$10.40 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/21/2011	SB 288 HB 4210		
Insurance Commission (114-42)	Continuing Education for Individual Insurance Producers \$4.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 10/11/2011 Filed 10/21/2011	SB 289 HB 4211		
Insurance Commission (114-93)	Mini COBRA \$5.80 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011	SB 290 HB 4166		
Insurance Commission (114-94)	Workers' Compensation Insurance for State Agencies \$4.40 Legislative	6/24/2011	7/25/2011	6/24/2011 Approved 7/15/2011	7/28/2011	Approved 10/11/2011	SB 291 HB 4167		
Labor (42-10)	Zipline and Canopy Tour Responsibility Act \$3.40 Legislative	6/8/2011	7/8/2011	6/8/2011 Approved 6/23/2011	7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011	SB 292 HB 4212		
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act \$4.60 Legislative	6/27/2011	7/27/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011	SB 293 HB 4213		
Labor (42-21A)	Supervision of Elevator Mechanics and Apprentices \$4.00 Legislative	6/27/2011	7/27/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011	SB 294 HB 4214		
Massage Therapy Licensure Bd. (194-1)	General Provisions \$9.60 Legislative	6/17/2011	7/18/2011	6/17/2011 Approved 7/22/2011	7/29/2011	Approved 9/14/2011	SB 295 HB 4168		
Massage Therapy Licensure Bd. (194-4)	Schedule of Fees \$8.40 Legislative	6/17/2011	7/18/2011	6/17/2011 Approved 7/22/2011	7/29/2011	Approved 11/14/2011	SB 296 HB 4169		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-7)	Formation and Approval of Professional Limited Liability Companies \$4.60 Legislative	5/18/2011	6/24/2011		7/12/2011	Approved 9/14/2011	SB 297 HB 4170		
Miners' Health, Safety and Training (56-14)	Rules & Regulations Governing the Application Process for the WV Innovative Mine Safety Technology Tax Credit Act \$3.00 Legislative	6/28/2011	7/28/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/22/2011	SB 298 HB 4215		
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance \$4.80 Legislative	6/14/2011	7/19/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/20/2011	SB 299 HB 4216		
Natural Resources (58-26)	Special Boating Rules \$3.40 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 300 HB 4217		
Natural Resources (58-27)	Special Motorboating Regulations \$2.60 Legislative	6/8/2011	7/8/2011	5/25/2011 Effective 7/6/2011	7/26/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 301 HB 4218		
Natural Resources (58-45A)	Hunting, Trapping and Fishing Provisions \$3.60 Legislative	6/10/2011	7/11/2011		7/26/2011	Approved 9/14/2011	SB 302 HB 4171		
Natural Resources (58-46)	Terms Defining the Terms to be Used Concerning All Hunting and Trapping Rules \$2.60 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 303 HB 4219		
Natural Resources (58-47)	Prohibitions When Hunting and Trapping \$2.80 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 304 HB 4220		
Natural Resources (58-53)	General Trapping Rule \$2.60 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 305 HB 4221		



RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-60)	Fishing Regulations \$7.00 Legislative Exempt							12/21/2011	1/1/2012
Natural Resources (58-61)	Special Fishing Rule \$3.20 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 306 HB 4222		
Nursing Home Administrators Licensing Bd. (21-1)	Nursing Home Administrators \$5.00 Legislative	2/14/2011	3/16/2011		3/28/2011	Modified & Approved 10/11/2011 Filed 10/18/2011	SB 307 HB 4223		
Occupational Therapy (13-3)	Fees for Services Rendered by the Board \$4.00 Legislative	5/17/2011	6/30/2011		7/14/2011	Approved 9/14/2011	SB 308 HB 4172		
Oil and Gas (35-8)	Rules Governing Horizontal Well Development \$49.80 Legislative	9/8/2011	10/11/2011	8/22/2011 Approved 8/29/2011	11/21/2011				
Osteopathy (24-1)	Licensing Procedures for Osteopathic Physicians \$14.40 Legislative	6/1/2011	7/1/2011		7/28/2011	Approved 9/14/2011	SB 309 HB 4173		
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel \$14.30 Legislative	5/20/2011	6/30/2011		7/22/2011	Modified & Approved 11/14/2011 Filed 11/18/2011	SB 310 HB 4224		
Personnel (143-3)	Workers' Compensation Temporary Total Disability \$3.20 Legislative	5/20/2011	6/30/2011		7/22/2011	Modified & Approved 11/14/2011 Filed 11/18/2011	SB 311 HB 4225		
Pharmacy (15-2)	Rules of the Bd. of Pharmacy for the Uniform Controlled Substances Act \$9.40 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011	SB 313 HB 4175		
Pharmacy (15-3)	Bd. of Pharmacy Rules for the Continuing Education for Licensure of Pharmacists \$5.60 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011	SB 314 HB 4176		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors \$5.80 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011	SB 315 HB 4177		
Pharmacy (15-12)	Bd. of Pharmacy Rules Regarding Immunizations Administered by Pharmacists \$6.20 Legislative	9/14/2011	10/20/2011		12/8/2011	Approved 12/14/2011	SB 312 HB 4174		
Professional Surveyors (23-1)	Examination and Licensing of Professional Surveyors in WV \$4.40 Legislative	5/17/2011	6/21/2011		7/12/2011	Modified & Approved 11/14/2011 Filed 11/21/2011	SB 323 HB 4231		
Public Service Commission (150-8)	Rules and Regulations for the Government of Railroad Safety and Sanitation \$9.80 Legislative Exempt	3/31/2011	Hearing 6/2/2011 Written Comments 4/29/2011 Hearing 7/18/2011						
Public Service Commission (150-9)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers \$15.50 Legislative Exempt	7/28/2011	8/29/2011						
Racing Commission (178-7)	Simulcast Pari-Mutuel Wagering at Authorized Gaming Facility in Historic Resort Hotel \$5.20 Legislative	7/15/2011	8/15/2011	7/14/2011 Approved 7/22/2011	9/13/2011	Approved 12/14/2011	SB 316 HB 4178		
Real Estate Appraiser Licensing & Certification Board (190-4)	Investigative & Hearing Procedures \$3.80 Procedural	5/12/2012						1/25/2012	3/1/2012
School Building Authority (164-1)	School Building Authority Policy & Procedures Handbook \$44.50 Procedural	7/6/2011 12/30/2011	8/8/2011 2/5/2012						
Secretary of DHHR; Insurance Comm.; and Chair of the Health Care Authority (114A-1)	All-Payer Claims Database – Data Submission Requirements \$3.80 Legislative	6/14/2011	7/14/2011		7/28/2011	Modified & Approved 10/11/2011 Filed 10/21/2011	SB 319 HB 4228		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of DHHR; Insurance Comm.; and Chair of the Health Care Authority (114A-2)	All-Payer Claims Database Program's Privacy and Security Rule \$4.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011	SB 320 HB 4179		
Secretary of State (153-39)	Vote-by-Mail Pilot Project Phase 2: Voting by Mail \$5.60 Legislative	6/30/2011	7/29/2011		7/29/2011	Modified & Approved 12/14/2011 Filed 12/23/2011	SB 317 HB 4226		
Secretary of State (153-42)	Rules for General Management and Preservation of State Records \$3.20 Legislative	6/30/2011	7/29/2011		7/29/2011	Modified & Approved 1/8/2012 Filed 1/12/2012	SB 318 HB 4227		
State Police (81-3)	WV State Police Career Progression System \$5.20 Legislative	5/18/2011	6/21/2011		7/25/2011	Modified & Approved 12/14/2011 Filed 1/6/2012	SB 321 HB 4229		
State Police (81-4)	Modified Vehicle Inspection Manual \$5.00 Legislative	6/16/2011	7/18/2011		7/25/2011	Modified & Approved 12/14/2011 Filed 1/6/2012	SB 322 HB 4230		
Tax Department (110-10D)	Use and Acceptance of Electronic Records \$4.40 Procedural	10/28/2011	11/28/2011					11/29/2011	12/30/2011
Tax Department (110-10F)	Payment of Taxes by Electronic Funds Transfer \$5.60 Legislative	1/26/2011	2/24/2011	12/29/2010 Approved 2/8/2011	4/21/2011	Modified & Approved 7/13/2011 Filed 8/5/2011	SB 324 HB 4232		
Tax Department (110-13Q)	Commercial Patent Incentives Tax Credit \$4.80 Legislative	6/1/2011	7/1/2011		7/18/2011	Modified & Approved 9/14/2011 Filed 11/22/2011	SB 325 HB 4233		
Tax Department (110-15J)	Per se Exemption for Purchases by Contractors Performing Contracting for Government-owned Water or Sewer Utilities or Public Service District Water or Sewer Utilities \$3.00 Interpretive	8/19/2011	9/23/2011					10/13/2011	11/15/2011

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax Department (110-50G)	Exchange of Information Agreement Between the State Tax Dept and the Dept of Commerce, the Dept of Transportation and the Dept of Environmental Protection \$3.00 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 9/14/2011 Filed 11/22/2011	SB 326 HB 4234		
Waste Management, Div. of Water & Waste Mgmt. (33-1)	Solid Waste Management Rule \$26.50 Legislative	6/13/2011	7/12/2011		7/29/2011	Approved 11/14/2011	SB 258 HB 4155		
Waste Management, Div. of Water & Waste Mgmt.. (33-20)	Hazardous Waste Management System \$10.00 Legislative	6/9/2011	7/12/2011		7/28/2011	Approved 11/14/2011	SB 259 HB 4156		
Workers' Comp. by the Insurance Comm. (85-11)	Employer Default, Enforcement, Collections and Related Matters \$8.20 Legislative Exempt	1/17/2012	2/16/2012						

LEGISLATIVE

WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In This Box

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2012 JAN 23 PM 12:57

OFFICE WEST VIRGINIA  
SECRETARY OF STATE



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin  
Governor

Bureau for Children and Families  
Commissioner's Office  
350 Capitol Street, Room 730  
Charleston, West Virginia 25301-3711  
Telephone: (304) 558-0628 Fax: (304) 558-4194

Michael J. Lewis, M.D., Ph.D.  
Cabinet Secretary

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: WV Council for Community and Technical College Education TITLE NUMBER: 135

CITE AUTHORITY: 18B-1-6, 18B-2B-6

RULE TYPE: PROCEDURAL ☒ INTERPRETIVE ☐

EXEMPT LEGISLATIVE RULE ☐

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: Series 7

TITLE OF RULE BEING PROPOSED: Technical Program Development and West Virginia Advance Rapid

Response Workforce Development

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS February 23, 2012

Authorized Signature

January 19, 2012

Natalie Tennant, Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0770

Dear Ms. Tennant:

Enclosed you will find two copies of the Youth Transitioning Policy Chapter 26 that is effective January 31, 2012.

Upon receipt of policy, please provide confirmation.

If you have any questions, please don't hesitate to contact me at 304-356-4576 or via e-mail at [Alicia.R.McIntire@wv.gov](mailto:Alicia.R.McIntire@wv.gov).

Respectfully,

Alicia R. McIntire  
HHR Specialist Senior

Enclosures

FILED  
2012 JAN 24 AM 9:47  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

LEGISLATIVE

**WEST VIRGINIA DIVISION OF LABOR**

749-B Building 6, Capitol Complex • Charleston, West Virginia 25305

Phone (304) 558-7890 • Fax (304) 558-2273

[www.wvlabor.org](http://www.wvlabor.org)

EARL RAY TOMBLIN  
Governor



DAVID W. MULLINS  
Commissioner

**MEMORANDUM**

TO: The Honorable Natalie Tennant  
Secretary of State

FROM: David W. Mullins  
Commissioner *DM*

DATE: January 20, 2012

RE: Change in 2012 Prevailing Wage Rates

OFFICE OF THE  
SECRETARY OF STATE

2012 JAN 20 AM 10:38

FILED

Our office has discovered an error in the base and fringe rate of the sheet metal classification in the Building Construction portion of 2012 Prevailing Wage Rates (*see attached*). These corrections will affect all fifty-five (55) counties and become effective immediately.

If you have any questions, please contact me at (304) 558-7890, ext. 124.



# PROCEDURAL

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #2

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**FILED**  
2012 JAN 19 PM 4: 19  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

## NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Racing Commission TITLE NUMBER: 178

RULE TYPE: Procedural CITE AUTHORITY: WV Code 19-23-4(3)

AMENDMENT TO AN EXISTING RULE: YES X NO     

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 6

TITLE OF RULE BEING AMENDED: Due Process and Hearings


IF NO, SERIES NUMBER OF RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:   

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON Feb. 21, 2012 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Racing Commission  
106 Dec Drive, Suite 2  
Charleston, West Virginia 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL.

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box  
**FILED**  
2012 JAN 25 PM 12: 31  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

## NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: WV Real Estate Appraiser Licensing and Certification Board TITLE NUMBER: 190

CITE AUTHORITY: W.Va. Code §§30-38-7;30-38-9

RULE TYPE: PROCEDURAL X INTERPRETIVE                     

EXEMPT LEGISLATIVE RULE   

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW   

AMENDMENT TO AN EXISTING RULE: YES X NO     

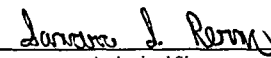
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 190-4-10

TITLE OF RULE BEING AMENDED: Investigative and Hearing Procedures - Application for Reinstatement

IF NO, SERIES NUMBER OF RULE BEING PROPOSED:                     

TITLE OF RULE BEING PROPOSED:   

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS March 1, 2012

  
Authorized Signature

# Orders Report

Docket Number	Agency	Respondent	Decision Date
12-AP-GI-02000	Elliott Contract, Inc. Employer & BrickStreet Mutual Insurance Company, Private Carrier	Darrell Quizenbeury	12/7/2011
11-10-9555-X	Health Care Authority	Family Service - Upper Ohio Valley	1/19/2011
06-2-8368-A	Health Care Authority	Diversicare Rose Terrace, LLC, d/b/a Rose Terrace Health & Rehabilitation Center	1/12/2012
09-8-8941-R	Health Care Authority	Renal Center of Keyser LLC	1/12/2012
10-10/11-9173-Z	Health Care Authority	Alternative Home Health Inc.	1/12/2012
11-4-9549-X	Health Care Authority	Amedisys West Virginia, LLC, d/b/a Amedisys Home Health Care	1/12/2012
11-2-9568-X	Health Care Authority	Autism Management Group	1/12/2012
11-7-9545-X	Health Care Authority	Central WV MedCorp, Inc.	1/12/2012
10-3-9151-H	Health Care Authority	Charleston Area Medical Center	1/12/2012
11-5-9551-X	Health Care Authority	HealthSouth Western Hills Regional Rehabilitation Hospital	1/12/2012
11-7-9415-PC	Health Care Authority	Quality Care Management LLC	1/12/2012
11-7-9565-X	Health Care Authority	William R. Sharpe, Jr. Hospital	1/12/2012
07-2-8611-R	Health Care Authority	Kidney Associates, PLLC	1/12/2012
11-6-9561-X	Health Care Authority	Pocahontas Memorial Hospital	1/12/2012
11-6-9567-X	Health Care Authority	United Summit Center, Inc.	1/12/2012
11-1-9547-X	Health Care Authority	Princeton Community Hospital Association, Inc.	1/12/2012
11-6-9566-X	Health Care Authority	United Summit Center Inc.	1/12/2012
11-6-9482-X/R	Health Care Authority	Gentle Dialysis Center	1/17/2012
11-1-9538-X	Health Care Authority	Transformations, Inc.	1/17/2012



<b>Docket Number</b>	<b>Agency</b>	<b>Respondent</b>	<b>Decision Date</b>
11-1-9540-A	Health Care Authority	Metropolitan Health Networks, Inc.	1/19/2012
11-2-9569-X	Health Care Authority	A Brighter Day Home Care	1/19/2012
11-9-9426-A	Health Care Authority	Omega Healthcare Investors, Inc., OHI Asset HUD WO, LLC	1/19/2012
12-7-9570-X	Health Care Authority	Balance Counseling	1/19/2012
04-6-7915-H	Health Care Authority	Monongalia General Hospital	1/19/2012
11-AP-MCSI-02002	Insurance	Charleston Area Medical Center	1/17/2012
N/A	Medicine	Michael w. Brown, M.D.	12/29/2011
N/A	Medicine	Prafull K. Dave, M.D.	1/4/2012
N/A	Medicine	Leonard Anthony Reynolds, D.P.M.	12/22/2012

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS

NO.	OPINION SOUGHT
2011-17	<p>A State Licensing Board asks the following questions:</p> <ol style="list-style-type: none"><li>1. May its Executive Director be a member and/or officer of a professional association consisting of licensees which the Board regulates?</li><li>2. May a member of the Licensing Board be a member and/or officer of a professional association consisting of licensees which the Board regulates?</li></ol>
2011-21	<p>A City asks whether it may, through the adoption of an ordinance, compensate its Mayor for performing additional job duties.</p>

**WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE ON OPEN GOVERNMENTAL MEETINGS ADVISORY OPINIONS**

NO.	OPINION SOUGHT
2011-17	Elizabeth Tracy, a Webster springs council member, asks whether the recorder and/or mayor count toward a quorum of the governing body.

**WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE FOR SCHOOL BOARD ADVISORY OPINIONS**

<b>NO.</b>	<b>OPINION SOUGHT</b>
2011-01	A potential board member asks if he may simultaneously serve on the board of directors of a state community college and the county board of education.

OTHER

NOTICE OF PUBLIC COMMENT AND HEARING

The West Virginia Department of Environmental Protection (DEP) is offering all opportunity for public comment, and will hold a public hearing, on the *Proposed Redesignation Request and Maintenance Plan for the West Virginia Portion of the Wheeling, WV-OH PM<sub>2.5</sub> Nonattainment Area*. The document concerns two inter-related actions regarding the West Virginia portion of the nonattainment area, comprising Marshall and Ohio Counties. First, DEP is requesting that the U.S. Environmental Protection Agency (EPA) redesignate the area to attainment pursuant to the provisions of the Clean Air Act, section 107. Second, DEP is asking that EPA concurrently approve, as a revision to the State Implementation Plan (SIP), the related maintenance plan which demonstrates that the area will continue to meet the PM<sub>2.5</sub> air quality standards for at least ten more years. DEP is expressly soliciting comment on whether the proposed maintenance plan adequately meets the requirements of the Clean Air Act, section 175A, as well as any relevant comments regarding the incorporation of the finalized maintenance plan into the West Virginia SIP. The comment period will begin on January 27, 2012 and end on February 28, 2012.

The area was designated as nonattainment with the 1997 PM<sub>2.5</sub> annual National Ambient Air Quality Standard (NAAQS) in the January 5, 2005 Federal Register [70 FR 944], effective April 5, 2005. On November 20, 2009, in accordance with Section 179(c)(1) of the CAA, EPA determined that the Wheeling, WV-OH PM<sub>2.5</sub> nonattainment area had attained the 1997 annual PM<sub>2.5</sub> NAAQS by the applicable attainment date of April 5, 2010 [76 FR 75465]. DEP shows that the measured air quality improvement has been achieved through federally enforceable emission reduction measures. Further, DEP shows that with expected growth and federally enforceable controls, the area will continue attainment of the NAAQS for at least ten years.

Written and oral comments will be accepted until the close of the public hearing and will be made part of the formal record. The public hearing shall be held beginning at 6:00 p.m. on Tuesday, February 28, 2012 at DEP headquarters: 601 57<sup>th</sup> Street, SE, Charleston, WV 25304. Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail ([Tommy.L.Mowrer@wv.gov](mailto:Tommy.L.Mowrer@wv.gov)) or other delivery to the Division of Air Quality if received by the close of business on February 28, 2012. Send written comments to be included in the formal record to John A. Benedict, Director, Division of Air Quality at the address above. Please identify the document to which the comments apply, the commenter's name, address and telephone number.

Copies of the proposed SIP revision and documentation may be viewed on weekdays between 8:30 a.m. and 4:30 p.m. at the Division of Air Quality, 601 57<sup>th</sup> Street, SE, Charleston, WV 25304. Copies may alternatively be reviewed at the Bel-O-Mar Regional Council at 105 Bridge Street Plaza, Wheeling, WV 26003, phone (304) 242-1800. The relevant documents may also be accessed via the following web address:

<http://www.dep.wv.gov/daq/General/Pages/PublicNoticeandComment.aspx>

Earl Ray Tomblin  
Governor

Michael J. Lewis, M.D., Ph.D., Secretary  
West Virginia Department of  
Health and Human Resources



James L. Pitrolo, Jr.  
Chairman

Board Members  
Sonia D. Chambers  
Marilyn G. White

In re:

GENTLE DIALYSIS CENTER

CON File No. 11-6-9482-X/R

NOTICE OF PREHEARING CONFERENCE  
AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that James L. Pitrolo, Jr., Chairman of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held **Monday, March 19, 2012 at 1:30 p.m.**, in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

An ADMINISTRATIVE HEARING will be held **Monday, March 26, 2012 at 9:00 a.m.**, in the Large Conference Room of the WV Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the development of ten (10) in-center hemodialysis backup stations to temporarily treat home dialysis patients.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

## OTHER

**NOTICE OF PREHEARING CONFERENCE  
AND ADMINISTRATIVE HEARING  
GENTLE DIALYSIS CENTER  
CON File No. 11-6-9482-X/R  
Page Two**

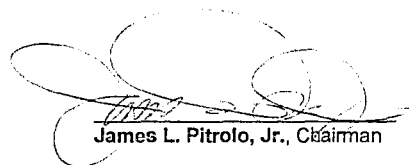
The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedures for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter, which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

**PLEASE TAKE NOTICE** that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 9:00 a.m. to 4:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Kay Myers, Health Care Analyst, at (304) 558-7000 or toll free 1-888-558-7002.

**Date:** January 17, 2012



**James L. Pitrolo, Jr., Chairman**

cc:

Jeffrey L. Robinette  
Robinette Legal Group, PLLC  
211 Everhart Drive, Suite 200  
Morgantown, West Virginia 26508

Robert L. Coffield  
Flaherty Sensabaugh Bonasso  
Post Office Box 3843  
Charleston, West Virginia 25338-3843

The Honorable Natalie Tennant  
Secretary of State  
State Capitol Complex  
Charleston, WV 25305

Garrett Reporting Services  
208 Capitol Street 400  
Charleston, West Virginia 25301-2224

OTHER

WEST VIRGINIA  
HEALTH CARE AUTHORITY

IN RE: Gentle Dialysis Center

CON File No: 11-6-9482-X/R

TIME FRAME ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. All replacement pages to CON application to be filed by: January 27, 2012

*Pursuant to CSR §65-7-8, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.*


2. Motions for discovery to be filed by: February 3, 2012
3. Discovery completed on or before: March 2, 2012

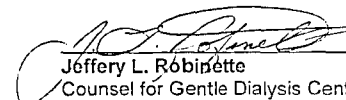
*Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.*

4. All requests for subpoenae and/or subpoenae duces tecum to be filed by: March 13, 2012

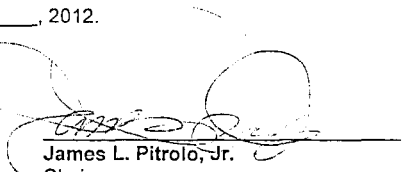
5. Dispositive and preliminary motions to be filed by: March 13, 2012  
*Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.*
6. Prehearing conference date: March 19, 2012 Time: 1:30 p.m.
7. Settlement conference (optional): TBD
8. Hearing date: March 26, 2012 Time: 9:00 a.m.

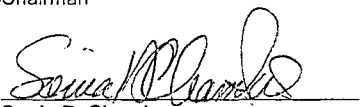
Inspected and approved by:

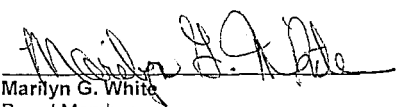
  
Robert L. Coffield      1/12/2012  
Counsel for Bio-Medical Applications of West Virginia, Inc.

  
Jeffery L. Robinette      1/9/12  
Counsel for Gentle Dialysis Center

Done this 17th day of January, 2012.

  
James L. Pitrolo, Jr.  
Chairman

  
Sonia D. Chambers  
Board Member

  
Marilyn G. White  
Board Member

## OTHER

WEST VIRGINIA HEALTH CARE AUTHORITY **FILED**  
CERTIFICATE OF NEED  
100 Dee Drive 2012 JAN 23 PM 2:44  
Charleston, West Virginia 25311-1600  
January 23, 2012 OFFICE WEST VIRGINIA  
SECRETARY OF STATE

### LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending January 20, 2012.

### LETTERS OF INTENT FOR EXPEDITED REVIEW RECEIVED

November 8, 2011 – Transformations, Inc., Charleston, Kanawha County, CON File #11-1-9538-X/P, for the development of a new facility in Beckley, Raleigh County, for the provision of physician supervised weight loss, medical skin care procedures, and retail skin care products; capital expenditure: \$25,000.

November 20, 2011 – A Brighter Day Home Care, Huntington, Cabell County, CON File #11-2-9569-X/Z, for the provision of Private Duty Home Care services to individuals who qualify under the DEEOIC, DDMCW and Division of Longshore and Harbor Workers' Compensation through the Department of Labor Office of Worker's Compensation Program; no capital expenditure.

January 9, 2012 – Wheeling Hospital and WV Holdings II, Inc., Wheeling, Ohio County, CON File #11-10-9529-PV/A, for the acquisition of the former Mount de Chantal Visitation Academy in Wheeling, Ohio County; capital expenditure: \$4,050,000.

January 18, 2012 – NECCO, Inc., Logan, Logan County, CON File #12-1/2/3-9575-BH, for the provision of therapeutic foster care services, behavioral health services and socially necessary services in Mason, Putnam and Wyoming Counties; no capital expenditure.

### EXPEDITED APPLICATIONS RECEIVED

January 19, 2012 – Monongalia General Hospital, Morgantown, Monongalia County, CON File #12-6-9572-H, for the renovation of the Hazel Ruby McQuain Birthing Center including the development of a dedicated C-Section Surgical Suite within the unit; capital expenditure: \$5,950,000.

January 19, 2012 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #12-6-9573-H, for the development of a 139-Bed Tower on the campus of WVUH; capital expenditure: \$248,000,000.



## OTHER

### PROJECTS DETERMINED REVIEWABLE

January 17, 2012 – Transformations, Inc., Charleston, Kanawha County, CON File #11-1-9538-X/P, for the development of a new facility in Beckley, Raleigh County, for the provision of physician supervised weight loss, medical skin care procedures, and retail skin care products; capital expenditure: \$25,000.

January 19, 2012 – A Brighter Day Home Care, Huntington, Cabell County, CON File #11-2-9569-X/Z, for the provision of Private Duty Home Care services to individuals who qualify under the DEEOIC, DDMCW and Division of Longshore and Harbor Workers' Compensation through the Department of Labor Office of Worker's Compensation Program; no capital expenditure.

### PROJECT DETERMINED NOT REVIEWABLE

January 19, 2012 – Balance Counseling, Buckhannon, Upshur County, CON File #12-7-9570-X, for a name change for its licensed behavioral health center from Balance Counseling to Balance ACT; no capital expenditure.

### HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matter:

January 17, 2012 – Gentle Dialysis Center, Morgantown, Monongalia County, CON File #11-6-9482-X/R, for the development of ten (10) in-center hemodialysis backup stations to be located in Bridgeport, Harrison County; capital expenditure: \$20,000.

Prehearing Conference	Monday, <u>March 19, 2012</u> at 1:30 p.m.
Administrative Hearing	Monday, <u>March 26, 2012</u> at 9:00 a.m.

The prehearing conference and administrative hearing in the above-referenced matter will be held in the offices of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

### TIME FRAME ORDER ISSUED

January 17, 2012 – Gentle Dialysis Center, Morgantown, Monongalia County, CON File #11-6-9482-X/R, for the development of ten (10) in-center hemodialysis backup stations to be located in Bridgeport, Harrison County; capital expenditure: \$20,000.

### CERTIFICATE OF NEED APPROVAL ISSUED

January 19, 2012 – Metropolitan Health Networks, Inc., Boca Raton, Florida, CON File #11-1-9540-A, for the acquisition of Continucare Corporation, which is the parent company of Seredor Corporation, which is the parent of Professional Sleep Diagnostics, a sleep laboratory located in Beckley, Raleigh County; capital expenditure: \$500,000.

### EXEMPTION FROM CERTIFICATE OF NEED REVIEW ISSUED

January 19, 2012 – Family Service – Upper Ohio Valley, Wheeling, Ohio County, CON File #11-10-9555-X, for the discontinuation of FSUOV as a subsidiary corporation of Ohio Valley Health Services and Education Corporation and the restoration of FSUOV as a separate free-standing non-profit corporation; capital expenditure: \$1,500.

### NOTICE OF SUBSTANTIAL COMPLIANCE

The following project have been implemented in substantial compliance and the case files are now closed:

January 19, 2012 – Monongalia General Hospital, Morgantown, Monongalia County, CON File #04-6-7915-H, for the expansion and renovation of the hospital; capital expenditure: \$92,689,021.

January 19, 2012 – Omega Healthcare Investors, Inc., OHI Asset HUD WO, LLC, Hunt Valley, Maryland, CON File #11-9-9426-A, for the acquisition of 100% of the outstanding equity interest in PV Realty – Willow Tree, LLC; capital expenditure: \$16,573,570.

### LETTER OF INTENT EXPIRED

Certificate of Need Regulation § 11-3, (C.S.R. § 65-7-11.3) states, in part, that letters of intent shall be effective for one year. The following represents a letter of intent that has expired:

January 17, 2012 – Family Counseling Connection, Charleston, Kanawha County, CON File #11-3-9339-X/BH, for the expansion of the Adult Sex Offender services; no capital expenditure.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.



**THE FOLLOWING ARE PUBLICATION DATES OF THE STATE REGISTER FOR 2012**

**DATES ARE THE DATES ALL FILINGS ARE TO BE RECEIVED IN THE  
SECRETARY OF STATE'S OFFICE IN ORDER FOR THE MATERIAL TO APPEAR IN  
THE STATE REGISTER PUBLISHED ON THE DATE LISTED.**

<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>	<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>
January 4, 2012	January 6, 2012	<b>January 11, 2012</b>	July 3, 2012	July 6, 2012	<b>July 10, 2012</b>
January 11, 2012	January 13, 2012	<b>January 18, 2012</b>	July 11, 2012	July 13, 2012	<b>July 18, 2012</b>
January 18, 2012	January 20, 2012	<b>January 25, 2012</b>	July 18, 2012	July 20, 2012	<b>July 25, 2012</b>
January 25, 2012	January 27, 2012	<b>February 1, 2012</b>	July 25, 2012	July 27, 2012	<b>August 1, 2012</b>
February 1, 2012	February 3, 2012	<b>February 8, 2012</b>	August 1, 2012	August 3, 2012	<b>August 8, 2012</b>
February 8, 2012	February 10, 2012	<b>February 15, 2012</b>	August 8, 2012	August 10, 2012	<b>August 15, 2012</b>
February 15, 2012	February 17, 2012	<b>February 22, 2012</b>	August 15, 2012	August 17, 2012	<b>August 22, 2012</b>
February 22, 2012	February 24, 2012	<b>February 29, 2012</b>	August 22, 2012	August 24, 2012	<b>August 29, 2012</b>
February 29, 2012	March 2, 2012	<b>March 7, 2012</b>	August 29, 2012	August 31, 2012	<b>September 5, 2012</b>
March 7, 2012	March 9, 2012	<b>March 14, 2012</b>	September 5, 2012	September 7, 2012	<b>September 12, 2012</b>
March 14, 2012	March 16, 2012	<b>March 21, 2012</b>	September 12, 2012	September 14, 2012	<b>September 19, 2012</b>
March 21, 2012	March 23, 2012	<b>March 28, 2012</b>	September 19, 2012	September 21, 2012	<b>September 26, 2012</b>
March 28, 2012	March 30, 2012	<b>April 4, 2012</b>	September 26, 2012	September 28, 2012	<b>October 3, 2012</b>
April 4, 2012	April 6, 2012	<b>April 11, 2012</b>	October 3, 2012	October 5, 2012	<b>October 10, 2012</b>
April 11, 2012	April 13, 2012	<b>April 18, 2012</b>	October 10, 2012	October 12, 2012	<b>October 17, 2012</b>
April 18, 2012	April 20, 2012	<b>April 25, 2012</b>	October 17, 2012	October 19, 2012	<b>October 24, 2012</b>
April 25, 2012	April 27, 2012	<b>May 2, 2012</b>	October 24, 2012	October 26, 2012	<b>October 31, 2012</b>
May 2, 2012	May 4, 2012	<b>May 9, 2012</b>	October 31, 2012	November 2, 2012	<b>November 7, 2012</b>
May 9, 2012	May 11, 2012	<b>May 16, 2012</b>	November 7, 2012	November 9, 2012	<b>November 14, 2012</b>
May 16, 2012	May 18, 2012	<b>May 23, 2012</b>	November 14, 2012	November 16, 2012	<b>November 21, 2012</b>
May 23, 2012	May 25, 2012	<b>May 30, 2012</b>	November 19, 2012	November 21, 2012	<b>November 26, 2012</b>
May 30, 2012	June 1, 2012	<b>June 6, 2012</b>	November 28, 2012	November 30, 2012	<b>December 5, 2012</b>
June 6, 2012	June 8, 2012	<b>June 13, 2012</b>	December 5, 2012	December 7, 2012	<b>December 12, 2012</b>
June 13, 2012	June 15, 2012	<b>June 20, 2012</b>	December 12, 2012	December 14, 2012	<b>December 19, 2012</b>
June 19, 2012	June 22, 2012	<b>June 26, 2012</b>	December 19, 2012	December 21, 2012	<b>December 26, 2012</b>
June 27, 2012	June 29, 2012	<b>July 4, 2012</b>	December 26, 2012	December 28, 2012	<b>January 2, 2013</b>

